

HOUSE No. 643

By Mr. Kocot of Northampton, petition of Peter V. Kocot for legislation to authorize landlords of public housing or subsidized housing to bring civil action for relief for unlawful conduct of persons who are not residents of said housing. The Judiciary.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT RELATIVE TO UNLAWFUL CONDUCT BY NON-RESIDENTS OF PUBLIC HOUSING.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 32C of chapter 121B of the General Laws as appearing
2 in the 2000 Official Edition, is hereby amended by striking out the
3 first paragraph and inserting in its place the following para-
4 graph:—
5 “Whenever a person who is not a member of a tenant household
6 has, on or near a public housing development or a subsidized
7 housing development: (a) caused serious physical harm to a
8 member of a tenant household or employee of the landlord or any
9 other person lawfully on the premises of the housing authority
10 (b) intentionally, willfully, and repeatedly destroyed, vandalized,
11 or stolen property of a member of a tenant household or of the
12 landlord or any other person lawfully on the premises of the
13 housing authority (c) intentionally and willfully destroyed, van-
14 dalized, or stolen property of a member of a tenant household or
15 of the landlord or any other person lawfully on the premises of the
16 housing authority and attempted to seriously physically harm a
17 member of a tenant household or employee of the landlord or any
18 other person lawfully on the premises of the housing authority
19 (d) possessed or carried a weapon in violation of section ten of
20 chapter two hundred and sixty-nine or possessed or used an explo-
21 sive or infernal machine, as such as defined in section one hun-
22 dred and two A of chapter two hundred and sixty-six with the

23 exception of fire-crackers or violated any other provision of
24 section one hundred and one, one hundred and two, one hundred
25 and two A or one hundred and two B of chapter two hundred and
26 sixty-six; (e) unlawfully sold or possessed with intent to distribute
27 a controlled substance as established as class A, B, C, or D in
28 section thirty-one of chapter ninety-four C; or (f) committed or
29 repeatedly threatened to commit a battery upon a person or dam-
30 aged or repeatedly threatened to commit damage to the property
31 of another for the purpose of intimidation because of said person's
32 race, color, religion, or national origin or on account of said per-
33 son's participation in an eviction proceeding; the landlord of such
34 premises may bring a civil action for injunctive or other appro-
35 priate equitable relief in order to prohibit said person from
36 entering or remaining in or upon the public or subsidized housing
37 development, unless there is cause to believe that such unlawful
38 conduct is unlikely to continue or to pose a serious threat to the
39 health or safety of the development, the tenant households at such
40 development, or the employees of the landlord. Whenever a tenant
41 or member of a tenant's household residing in a public or subsi-
42 dized housing development has caused or threatened to cause
43 harm to another tenant, an employee of the landlord, or any other
44 person who is known or believed to be a witness in an eviction
45 against the tenant, the landlord may bring a civil action for injunc-
46 tive or other appropriate equitable relief in order to protect the
47 witness from harm threatened by the tenant or member of the
48 tenant household."